

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AUDI OF AMERICA, INC.,  
An Organizational Unit of Volkswagen Group  
of America, Inc.,  
A New Jersey Corporation,

Plaintiff/Counter-Defendant,  
v.

BRONSBURG & HUGHES PONTIAC, INC.,  
d/b/a WYOMING VALLEY AUDI,  
A Pennsylvania Corporation,

Defendant/Counter-Plaintiff,

-and-

NORTH AMERICAN AUTOMOTIVE  
SERVICES, INC., an Illinois Corporation; *et al.*,

Defendants/Counter-Plaintiffs.

Case No. 3:16-cv-02470

Hon. John E. Jones III

**MOTION FOR LEAVE TO FILE A MOTION TO STRIKE  
COUNTERCLAIM PLAINTIFFS'  
JOINT STATEMENT OF ADDITIONAL FACTS**

Audi of America, Inc. ("AoA") respectfully requests that the Court grant it leave to file a Motion to Strike Counterclaim Plaintiffs' Joint Statement of Additional Facts. (Doc. 484, at 83–122.) A copy of that proposed motion and memorandum in support is attached. In support, AoA states as follows:

1. On February 23, 2018, after conducting a pretrial conference with the parties, the Court entered a scheduling order (the "Order"). (Doc. 502.)

2. Paragraph 5 of the Order stated that “[t]here will be no new motions filed prior to the settlement conference without express leave of Court.” (*Id.*)

3. Pursuant to the Order, AoA requests leave to file a Motion to Strike Counterclaim Plaintiffs’ Joint Statement of Additional Facts.

4. As detailed in the attached proposed Motion and Memorandum in Support, Counterclaim Plaintiffs filed a “Joint Statement of Additional Facts” with their response to AoA’s Statement of Facts. The Joint Statement of Additional Facts (“Additional Statement”) spans forty pages and contains 97 paragraphs of additional allegations. (Doc. 484, at 83–122.)

5. The Additional Statement is improper under Local Rule 56.1 and the Court should strike it.

6. AoA refers the Court to the attached proposed Motion to Strike and Memorandum in Support for further argument supporting its Motion to Strike.

WHEREFORE, for the foregoing reasons, AoA respectfully requests that the Court grant AoA leave to file its Motion to Strike Counterclaim Plaintiffs’ Joint Statement of Additional Facts.

Dated: March 9, 2018

Respectfully submitted,

**AUDI OF AMERICA, INC.,**  
An Organizational Unit of  
Volkswagen Group of America, Inc.

By: /s/ Owen H. Smith  
One of Its Attorneys

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*Admitted Pro Hac Vice*

*Attorneys for Audi of America, Inc.,  
An Organizational Unit of Volkswagen Group of  
America, Inc.*

**CERTIFICATE PURSUANT TO LOCAL RULE 7.1**

I, Owen H. Smith, an attorney, certify that I, on behalf of Audi of America, Inc., have attempted to obtain concurrence from counsel of record in the instant Motion under Local Rule 7.1, and that, as of the time of filing, counsel for Counterclaim Plaintiffs do not consent.

/s/ Owen H. Smith

**CERTIFICATE OF SERVICE**

I, Owen H. Smith, certify that on the 9th day of March, 2018, a true and correct copy of the foregoing was served via the Court's Electronic Case Filing (ECF) system upon all counsel of record.

/s/ Owen H. Smith